

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

ALPINE SECURITIES CORPORATION,

Defendant.

Civil No. 1:17-CV-04179-DLC

Honorable Judge Denise L. Cote
Magistrate Judge Ronald L. Ellis

**ALPINE SECURITIES
CORPORATION'S NOTICE OF
CROSS-MOTION FOR
SUMMARY JUDGMENT AND
MOTION FOR JUDGMENT ON
THE PLEADINGS**

ECF CASE

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 12(c) and 56, Defendant Alpine Securities Corporation (“**Alpine**”), by and through undersigned counsel, moves this Court for summary judgment and/or judgment on the pleadings against the Plaintiff United States Securities and Exchange Commission (“**SEC**”) on the following grounds: (1) the SEC lacks authority to pursue an action for violations of the Bank Secrecy Act (“**BSA**”); (2) the authority to pursue an enforcement action alleging violations of the BSA or its implementing regulations lies with FinCEN – not the SEC; (3) the SEC has only examination authority and may not pursue violations of the BSA; (4) the SEC cannot use Rule 17a-8 to pursue alleged violations of the BSA; and (5) the SEC failed to alleged the necessary elements of willfulness or negligence.

Based on the foregoing, and for the reasons stated in the accompanying memorandum of law, Alpine respectfully requests the Court enter summary judgment and/or judgment on the pleadings against the SEC.

Dated: New York, New York
January 19, 2018

Respectfully submitted,

By: /s/ Maranda E. Fritz

Maranda E. Fritz
THOMPSON HINE LLP
335 Madison Avenue, 12th Floor
New York, New York 10017-4611
Tel. (212) 344-5680
Fax (212) 344-6101
Maranda.Fritz@thompsonhine.com

Brent R. Baker (BB 8285)
Aaron D. Lebenta (*Pro Hac Vice*)
Jonathan D. Bletzacker (*Pro Hac Vice*)
CLYDE SNOW & SESSIONS
One Utah Center
201 South Main Street, Suite 1300
Salt Lake City, Utah 84111-2216
Telephone 801.322.2516
Facsimile 801.521.6280
brb@clydesnow.com
adl@clydesnow.com
jdb@clydesnow.com

*Attorneys for Defendant Alpine Securities
Corporation*